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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JERRY CROSS,

Petitioner,

v.

STATE OF NEVADA,

Respondents.

Case No. 2:18-cv-02400-RFB-GWF

**ORDER SUMMARILY DISMISSING  
ACTION**

This action was initiated by Nevada prisoner Jerry Cross on December 20, 2018. On that date, Cross filed an application to proceed *in forma pauperis* (ECF No. 1), along with a “Motion to Remove Lifetime Supervision” (ECF No. 1-1) and a “Motion for Modification of Sentence” (ECF No. 3). The application to proceed *in forma pauperis* and the two motions will be denied, and this action will be summarily dismissed, for the following reasons.

The application to proceed *in forma pauperis* is incomplete. It does not include the required financial certificate signed by a prison officer. *See* LSR 1-2.

Looking past the *in forma pauperis* application to the motions Cross filed, those motions, taken at face value, are not a proper means for a state prisoner challenging his sentence to initiate an action in this federal court. As Cross seeks to challenge his state sentence in federal court, the proper form of action would be a petition for writ of habeas corpus under 28 U.S.C. § 2254. However, viewed in that light, Cross’ filings are not presented on the proper form, and they are wholly insufficient to initiate a habeas action, as they do not provide much of the information necessary for this Court to screen the petition. *See* LSR 3-1.

1           Therefore, this Court will summarily dismiss this action, without prejudice to Cross  
2 properly initiating a new action, using the proper form for a petition for writ of habeas corpus.

3           **IT IS THEREFORE ORDERED** that the petitioner's Application to Proceed *in Forma*  
4 *Pauperis* (ECF No. 1) is **DENIED**.

5           **IT IS FURTHER ORDERED** that the petitioner's Motion to Remove Lifetime  
6 Supervision (ECF No. 1-1) and Motion for Modification of Sentence (ECF No. 3) are **DENIED**.

7           **IT IS FURTHER ORDERED** that this action is **DISMISSED**.

8           **IT IS FURTHER ORDERED** that petitioner is denied a certificate of appealability.

9           **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment  
10 accordingly.

11           **IT IS FURTHER ORDERED** that the Clerk of the Court shall send to the petitioner two  
12 copies of the form for a petition for writ of habeas corpus under 28 U.S.C § 2254.

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14           DATED THIS 5th day of February, 2019.



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RICHARD F. BOULWARE, II,  
UNITED STATES DISTRICT JUDGE